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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction and Mission priorities

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council established the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested that I report at regular intervals on the implementation of its mandate. The report covers the activities of UNMIK, and developments related thereto, from 16 July to 15 October 2017.

2. The priorities of the Mission remain to promote security, stability and respect for human rights in Kosovo and the region. In furtherance of its goals, UNMIK continues its constructive engagements with Pristina and Belgrade, all communities in Kosovo and regional and international actors. The Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force continue to perform their roles within the framework of Security Council resolution 1244 (1999). The European Union Rule of Law Mission in Kosovo (EULEX) continues its presence in line with the presidential statement of the Council of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692). The United Nations agencies, funds and programmes work in partnership with the Mission.

II. Key political and security developments

3. Following the conduct of early legislative elections on 11 June 2017, in which the opposition gained unprecedented ground, the situation in Kosovo was marked by a prolonged period of negotiations, which culminated in the formation of a new Assembly and government.

4. The compromise reached on 4 September involved a switch in allegiance by the New Kosovo Alliance party led by Behgjet Pacolli, which had secured four Assembly seats in the legislative elections. The New Kosovo Alliance left the coalition led by the Democratic League of Kosovo, with which it had competed in the elections, to join the "PAN" coalition, which is led by the Democratic Party of Kosovo and comprises that Party, the Alliance for the Future of Kosovo and the Initiative for Kosovo. As a result of this compromise, on 7 September, the Assembly was able to re-elect the leader of the Democratic Party of Kosovo, Kadri Veseli, as its president, following which Kosovo President Hashim Thaçi gave a mandate to form the new government to the leader of the Alliance for the Future of Kosovo and candidate for Prime Minister of the "PAN" coalition, Ramush Haradinaj.

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5. On 9 September, the Assembly of Kosovo, with a sufficient but very slim majority of 61 votes in favour out of 120 seats in the Assembly, approved the new government led by Prime Minister Haradinaj, with New Kosovo Alliance leader Pacolli as Principal Deputy Prime Minister and Minister for Foreign Affairs. Support from the ethnic Serb voting bloc led by the Serbian List, following consultations with Belgrade, was crucial in assuring this majority. The new government, which represents a relatively diverse political spectrum, includes 5 deputy prime ministers and 21 ministers, with the Democratic Party of Kosovo holding 6 ministries; the New Kosovo Alliance 4 ministries; the Initiative for Kosovo and the Serbian List 3 ministries each; the Alliance for the Future of Kosovo and other communities 2 ministries each; and 1 ministry without party affiliation. Additionally, the Serbian List holds six deputy ministerial posts. Among the 21 ministries, only two are led by women, which represents a decrease in women's representation at that level, from 16.7 per cent to 8.9 per cent. On a positive note, two of the five deputy presidents of the Assembly of Kosovo are women, and 7 of 14 parliamentary committees are chaired by women.

6. With the new governing framework in place, the government began to return to its many pressing challenges. However, shortly thereafter, the focus shifted to another Kosovo-wide election, at the municipal level, which was scheduled for 22 October. Significantly, at his first cabinet meeting on 12 September, Prime Minister Haradinaj dismissed the members of the State Commission on Border Demarcation with Montenegro in a bid to revise the border deal. In an interview with the Radio Television of Kosovo on 26 September, the Prime Minister opined that the border with neighbouring Montenegro is not where the previous State Commission drew the demarcation line. On the same day, while in Podgorica on an official visit, Principal Deputy Prime Minister and Minister of Foreign Affairs Pacolli, speaking at a joint press conference with his Montenegrin counterpart, Srdjan Darmanović, stated that the current composition of the Assembly of Kosovo makes it difficult to ratify the border demarcation agreement of 26 August 2015 and appealed for "understanding and patience".

7. On 22 September, Prime Minister Haradinaj participated in a regular meeting of the Ministerial Council for European Union Integration, which focused on the implementation of the European reform agenda, and encouraged the new Assembly to act on necessary legislation. Subsequently, on 4 October, the Assembly unanimously ratified the agreement between Kosovo and the European Union signed on 20 April on the implementation of financial assistance under the 2016 European Union Instrument for Pre-Accession Assistance.

8. By the end of the reporting period, all political parties were intensively engaged in the campaign for Kosovo-wide municipal elections scheduled for 22 October. On 30 August, the Central Election Commission certified 91 political entities: 35 political parties, 1 coalition, 30 civic initiatives and 25 independent candidates, running a total of 7,300 candidates for municipality assemblies and mayors. Although all candidates were initially certified, on 12 September the Commission decided to decertify 87 candidates who had been convicted by Kosovo courts in the past three years, thus applying for the first time article 29 of the Law on General Elections. On 22 September, however, the Central Election Commission was obliged to reverse its decertification decision, following a ruling by the Supreme Court that article 29 was unconstitutional. The 87 candidates were thus allowed to resume their candidacies. This prompted renewed concern by many international and local observers about the integrity of the eligibility criteria, as well as the political independence of the judiciary.

9. Several allegations of threats and intimidation against non-Serbian List Serb candidates were reported at the end of July, before the submission of party lists to

the Central Election Commission. On 26 and 28 July, a vehicle belonging to the president of the Kosovo Serb Civic Initiative-Social Democratic Party, Oliver Ivanović, and another belonging to a non-Serbian List mayoral candidate in Zvečan/Zveçan were burned by unknown perpetrators, in North Mitrovica and Zvečan/Zveçan respectively. After submission of the party lists, four municipal assembly candidates withdrew from the election and publicly pledged their support to the Serbian List. At the outset of the campaign for municipal elections on 20 September, my Special Representative issued a statement emphasizing the importance of electing representatives in a democratic and transparent manner and calling on all leaders and parties to ensure a campaign free of intimidation and coercion, enabling voters to freely exercise their rights.

10. While the overall security situation in Kosovo remained stable during the reporting period, underlying tensions were apparent, particularly in the north. On 7 August, in Zubin Potok, unknown perpetrators threw an explosive device in the yard of a Kosovo-Serb police officer serving in the narcotic section of North Mitrovica police station, causing material damage to the house and three vehicles. In two separate incidents, one off-duty Kosovo Serb police officer was physically assaulted in Zubin Potok on 7 August, and another in North Mitrovica on 2 September. No suspects in these incidents have been identified by police as of the publication of the present report.

11. UNMIK continued to coordinate closely with all international partners on the ground to address concerns of radicalization in Kosovo society and the recruitment of Kosovo residents by terrorist organizations. On 13 August, Kosovo prosecutors imposed detention on remand for two defendants suspected of terrorism-related offences, including intention to engage in foreign military action. The two suspects were apprehended by Turkish authorities when attempting to cross the Turkish border with the Syrian Arab Republic illegally on 28 July.

III. Northern Kosovo

12. Political events in northern Kosovo were dominated by the broader dynamics related to the formation of a new government and upcoming municipal elections. The dominant trend was the prominence of Kosovo Serb politicians, publicly supported by Belgrade, encouraging participation in Kosovo elections under the banner of the Serbian List.

13. Significantly, the Kosovo Central Election Commission eventually decided not to include 1,200 conditional ballots in the final tallies of the Assembly of Kosovo elections, on the grounds that voters casting conditional ballots must present Kosovo identification and not identification issued by Government of Serbia institutions. This decision was subsequently upheld by the Kosovo Supreme Court after an appeal by the Serbian List. This issue had been a point of contention in several locations in northern Kosovo, where displaced voters in possession of only Serbian identification can have a potentially significant impact on election results.

14. On 13 September, offices of the Serbian Red Cross organization across Kosovo were raided by Kosovo police owing to suspicion of the organizations having conducted unsanctioned information-gathering activities on local residents, which, in the north, led to physical confrontation. According to the Serbian Red Cross organization, the activities — supported by the Government of Serbia — are surveys of Kosovo Serb and other non-majority communities and are needed for planning social assistance. During the operation at the Red Cross facility in North Mitrovica, a crowd gathered outside to block the Kosovo police, resulting in at least two police officers being injured.

15. There was little progress towards reopening the main bridge in Mitrovica to vehicular traffic, in line with the agreement on freedom of movement across the Mitrovica bridge reached within the context of the European Union-facilitated dialogue on 25 August 2015. The mayor of North Mitrovica continued to hold that security providers should increase their presence before he would agree to the opening of the bridge.

16. On 21 July, the European Union announced a decision to cancel a planned project to provide 7.8 million euros of financial assistance for the construction of a cultural centre and a new university building in North Mitrovica municipality. In a statement issued on the same day, the European Union Special Representative in Kosovo explained that the decision was taken only after the municipality failed to meet several extended deadlines for preparatory steps needed to enable construction. The mayor of North Mitrovica publicly criticized the statement, claiming that the decision to cancel the project was related to the delays in the opening of the main bridge in Mitrovica.

IV. Normalization of relations between Belgrade and Pristina

17. During the reporting period, the European Union-facilitated dialogue between Pristina and Belgrade resumed at the presidential level, with informal consultations between President Thaçi and Serbian President Aleksandar Vučić held in Brussels and on the margins of the opening of the seventy-second session of the General Assembly, in New York.

18. Following one such consultation on 31 August in Brussels, the European Union High Representative for Foreign Affairs and Security Policy announced that the parties had "agreed on the final steps for the full implementation of the judiciary agreement by 17 October 2017". While progress was subsequently made towards the implementation of this agreement, especially as regards the formal recruitment of judges, prosecutors and other justice personnel, important gaps remained, including with respect to the translation of key legislation in Serbian, the refurbishment of premises, security arrangements for personnel in Mitrovica and the provision of adequate guarantees from Belgrade concerning the pension rights and other entitlements of Kosovo Serb judges and prosecutors. At the end of the reporting period, it was not clear whether the 17 October deadline would be met, although all parties agreed that its fulfilment would represent an important sign of goodwill to make progress in the implementation of existing agreements.

19. More significantly, political actors on both sides stressed the importance of moving the dialogue on to deeper issues. In this context, President Vučić continued his initiative to launch an internal dialogue on the Kosovo issue, which, as explained during a 28 July interview with the Radio Television of Serbia, is meant to promote discussion in order to find a solution for the Kosovo issue. Subsequently, in a televised address to the nation on 12 September, the President formally announced a new phase of the internal dialogue starting in October 2017, the outcome of which would define "the relationship between Serbia and Kosovo" and the ensuing consequences for Serbia's future. He also announced that he had tasked Prime Minister Ana Brnabić with coordinating the institutionalization of the dialogue process and the formation of a widely representative working group, including members of government, opposition, civil society and religious institutions.

20. In parallel, in July, President Thaçi stated that the time had come to open a new phase of the dialogue "that would lead to complete normalization of relations between Belgrade and Pristina". In stressing that Kosovo should be represented "as

consensually as possible", the President called for the creation of a "unity team" to represent Kosovo institutions, political parties and civil society in the European Union-facilitated dialogue. Similarly, in his 9 September inaugural address, Prime Minister Haradinaj, in stressing that "there is no alternative to dialogue with Serbia" and despite "a tragic history, we cannot change the fact that we are neighbours", noted that the dialogue should be "directed towards people and not merely the political elite". He then encouraged more internal discussion in Kosovo, involving civil society, media and the political opposition. President Thaçi also called for the involvement of the United States of America in the final phase of the European Union-facilitated dialogue. At a meeting held on 29 September with United States Vice-President Michael Pence during an official visit to the United States, President Thaçi stressed that the involvement of the United States is "decisive for reaching a final agreement, applicable to both sides".

V. Returns, reconciliation and cultural heritage, and community relations

21. During the reporting period, the Office of the United Nations High Commissioner for Refugees (UNHCR) recorded a total of 113 (61 female, 52 male) individual voluntary returns to Kosovo by members of non-majority communities. UNHCR estimates that, at the end of September 2017, the total number of internally displaced persons living in Kosovo stood at 16,418. Of those, 54 per cent were Serbs, 42 per cent Albanians, 3 per cent members of the Roma-Ashkali-Egyptian community and 1 per cent others. Meanwhile, 31 individuals sought asylum in Kosovo during the reporting period, bringing the total to 112 individuals. Kosovo institutions provide asylum seekers with accommodation, food, medical care and access to school for minors, and do not restrict their freedom of movement within Kosovo.

22. Kosovo institutions made considerable efforts to improve access to education for members of the Roma-Ashkali-Egyptian community. Of note, on 6 September, the Kosovo Ministry of Education, Science and Technology launched a call for applications for 500 Kosovo-wide scholarships for secondary school students from this community for the 2017-2018 academic year.

23. UNMIK continued to monitor developments related to the promotion and protection of religious and cultural heritage. No progress was observed with regard to implementation of the May 2016 ruling of the Kosovo Constitutional Court, which confirmed that 23.5 hectares of disputed land around the Visoki Dečani Orthodox Monastery are the legal property of the Monastery. Following the refusal of the Deçan/Dečani municipal authorities to register the land as the Monastery's property in compliance with the Court ruling, the Monastery raised the issue with the municipal cadastre office of Deçan/Dečani, which operates under the Ministry of Environment and Spatial Planning.

24. In July, the Serbian Orthodox Church appealed to the government in Pristina to resolve the issue of rental dues unpaid since November 2013 for premises belonging to the Serbian Orthodox Church that are being used by the Kosovo Anti-Corruption Agency. The budget of the Agency, which reports directly to the Assembly of Kosovo, is approved by the Assembly on an annual basis and is supported by the World Bank through a grant.

25. In a positive development, the municipality of Pejë/Peć observed a Day of Interreligious Tolerance on 21 September. Under the auspices of the municipality, representatives of various religious communities gathered to discuss interreligious

tolerance and met with local residents to convey messages of peace and tolerance among all communities.

26. On 4 October, the Kosovo Ministry of Foreign Affairs issued a communiqué announcing its decision not to apply for membership in the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 2017. While acknowledging that membership in international organizations continued to remain a priority for Kosovo, the Ministry for Foreign Affairs stated that the decision to postpone its application to UNESCO was purely pragmatic and was taken in close coordination with international supporters of Kosovo.

27. UNMIK continued to make efforts to improve the gender balance in municipal institutions by encouraging the appointment of qualified female candidates in local administrations. Of note, 36 of 38 Kosovo municipalities have appointed gender equality officers.

VI. Rule of law and human rights

28. In line with the decision announced by my Spokesperson on 26 May, a trust fund has been established to implement assistance projects benefiting the Roma, Ashkali and Egyptian communities in North and South Mitrovica and Leposavić/Leposaviq. UNMIK has developed categories of projects to address the most pressing needs of the Ashkali, Egyptian and Roma communities in northern Kosovo, namely infrastructure, service delivery and livelihoods, which would require a total projected sum of $4.5 million. In parallel, UNMIK and the Department of Peacekeeping Operations initiated outreach with representatives of Member States in Pristina and in New York respectively, in order to garner financial support for the trust fund. I call on Member States to contribute generously to the trust fund, which has received no pledges to date.

29. On 28 July, representatives of UNMIK and other international organizations, including OSCE, the European Union and the Council of Europe, as well as civil society participated in a coordination meeting on the theme "Dealing with the past", organized and chaired by the Embassy of Switzerland in Kosovo. On 4 August, at the fourth consultative meeting on the establishment of a truth and reconciliation commission, the Office of the President presented a draft presidential decree on the creation of a preparatory team. The team will comprise 10 members, including members of civil society and a representative of the President's office. UNMIK and the Office of the United Nations High Commissioner for Human Rights subsequently sent a joint submission of comments on the draft decree to the Office of the President. A fifth consultative meeting was held on 4 October, at which the Office of the President presented a revised proposal for the appointment of the Commission's preparatory team and announced that it would provide financial support for the team's work in 2017 and 2018. As at 15 October, the adoption of the normative regulations for the establishment of the truth and reconciliation commission remained pending.

30. On 31 July, the President of Kosovo decreed the appointment of 53 new judges, including 12 women. However, the Kosovo justice system still has high judicial vacancy rates that have a negative impact on the efficiency and effectiveness of the administration of justice: there is currently a backlog of cases, estimated at approximately 350,000.

31. Gender-based violence remains a significant challenge for Kosovo. According to a 2015 survey conducted by the Kosovo Women's Network, 68 per cent of women in Kosovo have suffered some form of domestic violence. Of note, on

21 August, the Court of Appeals increased the prison sentence imposed on an individual found guilty of the aggravated murder of his wife from 12 to 17 years. The case attracted significant media attention and led civil society organizations to organize protests in reaction to the low sentence imposed in the first instance by the Basic Court of Prizren.

32. On 19 July, the Basic Court of Pristina found five defendants in the Badovci retrial guilty of attempted incitement to commit terrorist acts. According to the prosecution, the group had the intention of publishing a video by the Islamic State in Iraq and the Levant on the Internet. The Court lowered the sentences imposed on the accused, from a total of 49 years to 12.5 years of imprisonment.

33. On 22 August, the Basic Court of Pristina released from its custody four members of the opposition party Vetëvendosje accused of having committed terrorist acts by throwing explosive devices at the Assembly building on 4 August 2016. Their release followed the death of another Vetëvendosje member while being detained in Prizren. All four accused are currently under house arrest.

34. The trial of Zoran Vukotić commenced at the Basic Court in Mitrovica on 26 September. In April, the Special Prosecution of Kosovo had filed an indictment against the defendant for war crimes against the civilian population after his extradition from Montenegro, based on an international wanted notice issued by UNMIK at the request of the Kosovo authorities.

35. In follow-up to the round table on missing persons, held in Geneva and co-chaired by my Special Representative, on 23 August the Missing Persons Resource Centre funded by UNMIK organized a conference on the challenges of identifying human remains. Participants highlighted the need to address the alleged misidentifications of missing persons and recommended that the Kosovo government establish a task force on the matter. In a related development, UNMIK produced a 13-minute documentary, entitled "Something still missing", to commemorate the International Day of the Victims of Enforced Disappearances on 30 August. The documentary, which was broadcast on two leading television channels in Kosovo, highlights the efforts of local families' associations to determine the fate of their missing relatives, while building trust across communities.

36. Effective implementation of Kosovo's strategies and action plans on serious and organized crime, including drug trafficking, trafficking in human beings and other forms of crime, remained a major challenge, including owing to the limited funds allocated to the administration of justice in Kosovo. Significantly, in 2017, the amount allocated for the functioning of the courts and prosecution services corresponded to 1.45 per cent of the total government budget. On a positive note, on 18 September, the new Minister of Justice issued an administrative instruction to facilitate implementation of the Law on the Management of Sequestrated or Confiscated Assets, a key piece of legislation to efforts to better address serious and organized crime.

37. At a panel discussion organized by a group of non-governmental organizations on 9 October, President Thaçi challenged the legitimacy of the Specialist Chambers, calling it a "mono-ethnic court that would undermine reconciliation efforts". He added that he had agreed to its establishment not because he believed it to be a fair court, but rather because the international community had promised "visa liberalization, establishment of a Kosovo army, and to facilitate Kosovo's membership at international organizations, including UNESCO and the Council of Europe". These claims were denied by multiple representatives of the international community in Prishtina.

VII. Women and peace and security

38. UNMIK continued to monitor developments related to the process of recognition and verification of survivors of conflict-related sexual violence. On 22 September, the government of Kosovo approved the draft Law on Amending and Supplementing the Law on the Kosovo Budget for 2017, which included a decision to allocate 200,000 euros to support associations that deal with victims of conflict-related sexual violence. At a government meeting on 23 September, the Minister of Finance announced that the deadline for verification of conflict-related sexual violence survivors would be shortened from five years to five months, allegedly to expedite payment to survivors. However, it is a serious cause for concern that the shortened deadline will result in many cases not being processed.

39. The Kosovo Women's Network, together with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), supported survivors of conflict-related sexual violence through a project entitled "Supporting women survivors of sexual violence", which has provided psychosocial support to women survivors and 58 microgrants towards their economic empowerment. Over 100 women survivors are expected to benefit from the project, which ends in December 2017. In addition, from 29 to 31 August, the Kosovo Institute for Public Administration and UN-Women provided training for members of the government Commission to Recognize and Verify Survivors of Sexual Violence during the Kosovo War. The training focused on the Commission's mandate, safe handling of information and best practices in identifying conflict-related sexual violence.

40. On 14 September, Prime Minister Haradinaj attended an event to launch a commentary on the Law on Gender Equality, which aims to clarify ambiguities in the Law and promote its implementation. At the event, the Prime Minister expressed regret at the underrepresentation of women in the government and pledged his commitment to advancing gender equality.

41. Not only is women's representation and participation in government bodies and politics limited, but a recent report published by the GAP Institute for Advanced Studies in Kosovo concluded that women's representation on the boards of public enterprises and independent agencies in Kosovo is also very low (between 15 to 16 per cent) and recommended the introduction of a quota system in order to increase women's participation. The Minister of Economic Development, who was present at the launch of the report, expressed commitment to increasing the representation of women in public enterprises.

VIII. Partnerships and cooperation

42. During the reporting period, UNMIK continued to engage at all levels of government, in particular with local administrations, through a variety of initiatives aimed at promoting intercommunity trust-building and the protection of human rights. As part of this outreach, my Special Representative continued his visits to all municipalities in Kosovo. The Mission also supported two meetings initiated by local authorities on the empowerment of existing legal mechanisms for the protection and promotion of community rights.

43. The Mission continued to actively encourage cooperation between communities. In this spirit, participatory approaches to local governance were implemented in several municipalities: in ethnically mixed areas in Graçanicë/Gračanica, Rahovec/Orahovac, Pejë/Peć, Ranillug/Ranilug, Gjakovë/Đakovica, Gjilan/Gnjilane and Prizren/Prizren municipalities, public hearings were held on the planning process for the 2018 budget. Furthermore, on 8 September 2017, around 40 Kosovo Serb and

Kosovo Albanian entrepreneurs from eastern Kosovo gathered in Gjilan/Gnjilane for the autumn regional entrepreneurship fair, aimed at facilitating business partnerships among them.

44. UNMIK continued to provide document certification services. A total of 606 documents were processed during the reporting period, comprising 340 relating to pensions and 266 to civil status, such as high school documents, university diplomas and marriage, birth and death certificates. UNMIK also continued to facilitate liaison between the Kosovo authorities and the International Criminal Police Organization (INTERPOL). During the reporting period, UNMIK received 30 requests for the issuance of international wanted notices; four Red Notices were published and six were cancelled. From 26 to 29 September, UNMIK attended the eighty-sixth INTERPOL General Assembly, held in Beijing. Prior to the General Assembly, Kosovo withdrew its application for membership in INTERPOL.

IX. Observations

45. I commend the efforts of the Kosovo institutions to maintain a peaceful environment during the protracted period of political uncertainty that followed the 11 June legislative elections. I wish the new governing coalition success in meeting the broad range of pressing challenges facing Kosovo, and in working to address the basic needs of the population of Kosovo.

46. Building capacity and effective institutions has been challenging for Kosovo and its international supporters over a long period. Despite determined efforts, frustration among the electorate has grown over time, as reflected in the results of the June elections. Whatever the balance of power, parties and their leaders share common responsibilities. UNMIK will continue to support efforts towards the goal of lasting peace and stability in Kosovo.

47. An important part of achieving these objectives is sustained progress in the normalization of relations between Belgrade and Pristina. The Pristina-Belgrade political dialogue, facilitated by the European Union, demands steadfast commitment and an acknowledgement that implementation of the agreements signed in 2013 has often been delayed. High-level agreements, both old and new, only have meaning if they are backed by broad-based support and action from both sides.

48. UNMIK has been dedicated to supporting the efforts of the European Union to advance the political dialogue for many years. Specifically, the Mission has been engaged in building trust among communities in Kosovo, which directly complements progress in political talks. The success of the Mission's efforts at the community level, however, depends on those talks keeping pace with practical reality on the ground.

49. As previously noted, the rule of law and its impartial application are central to progress. I note with appreciation the efforts of the Kosovo institutions to tackle the multiple challenges facing the internal justice system and to secure delivery of justice as part of achieving lasting peace. I call upon Kosovo political leaders to exercise judgment in their public statements about the mechanisms of international justice, in particular the Specialist Chambers, which represent a cornerstone for securing justice for victims of the past conflict.

50. I also wish to reiterate my call on Member States to support the trust fund established in follow up to the recommendations of the Human Rights Advisory Panel. Their generous support will go a long way towards addressing the most pressing needs of affected communities.

51. I am grateful to my Special Representative, Zahir Tanin, and the Mission at large for their continued engagement with key leaders and stakeholders in a coordinated effort to build greater trust among communities, and to promote progress and long-term stability in Kosovo and the region. The capacities of UNMIK remain at the service of all partners contributing to these objectives.

52. In conclusion, I reiterate my gratitude to the United Nations agencies, funds and programmes on the ground for their valuable collaboration with UNMIK, and to longstanding partners of the United Nations in Kosovo, including the Kosovo Force, the European Union and OSCE.

Annex I

Report of the European Union High Representative for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo from 16 July to 15 October 2017

1. Summary

On 26 September, the Joint Rule of Law Coordination Board met. The Board is a coordination mechanism between Kosovo institutions, the European Union Special Representative/European Union Office in Kosovo and the European Union Rule of Law Mission in Kosovo (EULEX). At the meeting, the compact progress report was presented, which took stock of progress made between July 2016 and June 2017, while highlighting that Kosovo's rule-of-law institutions had assumed an increased responsibility in carrying out their functions independently. However, it was also highlighted that relevant Kosovo institutions must intensify their efforts in addressing remaining challenges in the rule of law, including the overarching issues of political interference and corruption.

At the high level European Union-facilitated dialogue held on 31 August 2017, the date of 17 October 2017 was set as the date for integration of Serb judges, prosecutors and judicial personnel into the Kosovo system. In this context, EULEX continues to support the judicial and prosecutorial councils to the fullest extent possible to meet their obligations. Progress was made with the issuance of an administrative instruction by the Ministry of Internal Affairs on citizenship criteria in accordance with the Brussels agreement.

2. EULEX activities

2.1 Executive

War crimes

On 18 August, a panel of one local judge and two EULEX judges at the Supreme Court pronounced a judgment in the *Drenica 2* war crime case, rejecting the requests of the defence counsel and the prosecution for protection of legality. The Supreme Court thus confirmed the sentence of six years of imprisonment against three defendants and the sentence of three years of imprisonment against six other defendants as handed down by the Court of Appeals.

On 26 September a panel of EULEX judges at the Mitrovica Basic Court started the main trial against Zoran Vukotić in the *Vukotić I* case. The defendant was extradited from Montenegro and is accused of war crimes against the civilian population in Kosovo.

A panel of EULEX judges at the Mitrovica Basic Court continued to adjudicate the war crime case against Oliver Ivanović. In February 2017, the Court of Appeals annulled the previous judgment by the Mitrovica Basic Court, which had sentenced the defendant to nine years of imprisonment, and returned the case for retrial.

Organized crime and corruption

EULEX judges, in joint panels with local judges, continued to adjudicate other organized crime cases, including *MTPT* and *Naser Kelmendi* at the Pristina Basic Court.

On 15 August, a panel of one local judge and two EULEX judges at the Pristina Basic Court started the main trial against one defendant in the human organ trafficking *Medicus* case.

Other serious crimes

On 3 October, a panel of EULEX judges at the Mitrovica Basic Court started a retrial in the case against two defendants charged with abuse of official position or authority and fraud in office.

Capacity-building

In July, three liaison officers from the Kosovo Police international law enforcement coordination unit and two liaison officers from EULEX participated in a three-day study visit to the headquarters of Europol in The Hague, focusing on enhancing the unit's executive capacities and operational performance related to international police cooperation. The study visit was organized in the framework of a project, facilitated and funded by EULEX, aimed at encouraging the Kosovo Police to adopt best European practices in the fight against transnational organized crime.

Institute of Forensic Medicine

EULEX continued to work on the autopsy and clinical examination backlog as well as on re-association of human remains. On 23 August, EULEX attended the conference on the issue of missing persons, held in Pristina, organized by the Missing Persons Resource Centre and supported by the British Embassy in Pristina, to give a presentation about renewed EULEX efforts to re-open previously closed cases. The overall efforts of EULEX resulted in the successful identification of more missing persons. EULEX also appealed to the families of missing persons to come forward with DNA samples. More than 100 persons on the missing persons list cannot be DNA-identified because of a lack of reference samples.

EULEX carried out an exhumation of a grave in the Mitrovica area, resulting in the identification of one individual. The Mission also exhumed a human body discovered during a site assessment in Gllarevë/Iglarevo (Klinë/Klina municipality). The body is suspected to be of a victim killed during the conflict in Kosovo. Further exhumations were conducted in Prizren and Fushë Kosovë/Kosovo Polje as well as in the village of Domaj. EULEX also carried out a site assessment in Zubin Potok. The remains of four Serbian individuals were buried in Prizren with the authorization of the prosecutor and the victims' families.

Property rights

The Kosovo Property Agency Appeals Panel received no new appeals and adjudicated 19 appeals, while 240 appeals are pending a decision of the Panel.

In the period from 16 July 2017 until 12 October, the Special Chamber of the Supreme Court for privatization matters rendered 563 decisions in first-instance trial panel cases and finalized 96 cases at the appellate panel level.

2.2 Strengthening

On 7 and 8 July the Ministry of Justice started working group sessions to review the criminal code and criminal procedure code, followed by additional sessions on 14 and 15 July, as well as on 22, 23, 29 and 30 September. Last year, together with the European Union Special Representative/European Union Office in Kosovo, EULEX already provided expert advice on both codes through the Legislative Review Mechanism.

On 3 August, EULEX attended the Normative Committee session of the Kosovo Judicial Council on the adoption of amendments to the regulation on procedures for selection, appointment, evaluation, suspension and dismissal from the office of the president of judges and supervisory judges. This follows the decision of the Constitutional Court, which annulled the previous selection process and found that the mechanism applied by the Kosovo Judicial Council to nominate a candidate for the position of president of the Supreme Court and president of the Court of Appeals did not guarantee sufficiently an equal, merit-based, transparent and open voting process. EULEX and the European Union Special Representative, in conjunction with other partners, had previously worked with the Kosovo Judicial Council to improve the relevant Council regulation. However, EULEX having observed the repeat of the voting process, it is assessed that neither selection for the presidents was preceded by a substantive discussion on the candidates' suitability for the position. The justification of the Council's selection decisions lacked sufficient reasoning, which does not necessarily reflect on the quality of the candidates actually chosen. On the positive side, the new director of the Kosovo Judicial Council secretariat was appointed on 10 August, in full compliance with the applicable regulations.

Despite substantial efforts and funds invested by the Norwegian Government, the Case Management Information System, software developed to track and provide easy access to all types of cases and respective information on proceedings, will most probably not become operational in courts and prosecution offices by the project deadline set for June 2018. This is a setback to the efficiency and transparency of court proceedings.

On 16 August, the acting Director General of the Kosovo Correctional Service was assaulted by masked men in front of his apartment in Pristina. The acting Director General sustained bodily injuries that required him to stay in hospital for several days. The investigation is ongoing, and two suspects have been identified but are still at large. This attack has had a strong impact on the management of the Kosovo Correctional Service and especially on the Service's managers, who have been striving to work professionally and resist undue pressure. EULEX is monitoring and following up on the case.

On 15 September, the Ministry of Public Administration re-advertised the vacancy for the position of Director General of the Kosovo Correctional Service. The previous selection process for the position was cancelled by the Ministry of Justice in July. EULEX had concerns over the transparency and the selection criteria and will closely monitor the new selection process.

On 14 and 21 September, two inmates were granted conditional release by the Kosovo Judicial Council release panel. EULEX raised its concerns about these decisions. There is an open investigation of one of the inmates, who is suspected of abusing the conditions of his confinement during hospitalization.

On 28 September, the Prizren Basic Court extended by two months the detention on remand against a Kosovo Serb who was arrested in August near the town of Suhareka/Suva Reka by the Kosovo Police on charges of war crimes.

EULEX is closely monitoring the case, noting that the Kosovo authorities have thus far been dealing with the case in accordance with relevant rules and procedures. EULEX has also supported the Serbian counterparts with their requests for assistance on this case, in line with its mandate.

There is an insufficient number of correctional staff at the high-security prison in Podujevë/Podujevo after the cancellation of the vacancy announcement for 60 new staff for the prison and 10 for the detention centre in Gjilan/Gnjilane, even though the recruiting process was almost complete. Additionally, seven officers have been selected to study at the Kosovo Academy for Public Safety. This will cause significant difficulties for the prison in managing the current number of prisoners, in particular taking into account the different categories of prisoners.

Transparent recruitment processes continue to be a problem with the Kosovo Correctional Service. The Ministry of Justice justified these cancellations by saying there was a lack of funds. In the light of signs of political interference with regard to the cancellations of other important high-level positions, such as that of Director of the Kosovo Correctional Service Directorate for Operations and Security and Director General of the Service, EULEX is following these processes closely.

On 15 September, the educational-correctional centre in Ljpjan/Lipljan was officially inaugurated. The new centre will work to encourage the rehabilitation and reintegration of young offenders to prevent repeat offences. EULEX has been supporting and monitoring the process. According to the Juvenile Justice Code, all juveniles serving "educational measures" should be transferred to the centre. However, as at 20 September, there were still 13 juveniles serving "educational measures" in the Lipjan Correctional Centre considered to be too dangerous to be transferred. In order to fulfil the requirements of the Juvenile Justice Code, EULEX proposed that the Kosovo Correctional Service conduct risk assessments and, if deemed appropriate, request the respective courts to amend the educational measure on the basis of the article of the Juvenile Justice Code.

Regarding the Regional Police Directorate in Mitrovica North, a EULEX assessment of investigations into police misconduct shows that the outcome of the monitored cases is still not satisfactory.

The Police Inspectorate of Kosovo completed its investigations of all 59 police officers accused of abuse of official duty and taking bribes in exchange for not writing traffic tickets. As a result, 57 have been dismissed, while two are still under investigation After a four-month investigation, including the use of wiretapping and hidden cameras, the Inspectorate detained 59 Kosovo Police officers (35 Kosovo Albanians, 23 Kosovo Serbs, one Kosovo Bosniak) from Mitrovica North, Mitrovica South, Prizren and the Highway Police Unit in one operation in December 2016.

The drafts of the new Law on Asylum and the Law on Foreigners have been finalized. The former is ready to be submitted to the local authorities for approval, while the latter will be sent to the Ministry of Finance and the Ministry of European Integration for their assessment. EULEX has provided extensive comments and advice concerning both drafts.

On 6 September, EULEX attended the third quarterly southern border initiative meeting, which was sponsored by the Export Control and Related Border Security Assistance Programme and hosted by Kosovo border police and customs in Pristina. EULEX is working closely with the Programme on several projects to enhance Kosovo border security operations, including through the sharing of information, joint training events, joint risk analysis and cross-border cooperation.

EULEX participated in a two-day seminar, held in Podgorica and Plav, Montenegro, on 19 and 20 September, focused on "best practices exchange" for the development of the Trilateral Police Cooperation Centre of Kosovo, Albania and Montenegro. The establishment and development of the Trilateral Police Cooperation Centre in Plav is very much at the heart of EULEX efforts to develop the National Centre for Border Management in Kosovo, with a view to ensuring that all best practices currently being used are captured.

On 7 July, the Integrated Border Management National Coordinator formally approved the revised integrated border management action plan (2013–2018). EULEX provided important contributions to the action plan and continues to provide support to its implementation process. As part of the review, the National Coordinator established a new multi-agency unit, which will be responsible for the oversight of the implementation of activities set out in the action plan. EULEX fully supports this initiative, which is in line with the integrated border management seven-point action plan, as drafted by EULEX and approved by the Minister of Internal Affairs. On the common crossing points between Kosovo and Serbia, the spirit of cooperation between the two sets of authorities is very good, although overall progress is stalling.

On 17 July, as part of the European Union-facilitated dialogue, specifically the implementation of the integrated border management technical protocol, EULEX donated two containers for use at the common crossing point of Konculj/Dheu i Bardhë. The donation of these containers will significantly improve the capacity of both sets of authorities to more effectively facilitate the clearance of commercial freight traffic through the common crossing point.

After the last deadline, of 10 January, for justice integration in the north was missed, progress was made during the last round of talks, held in Brussels on 31 August, setting the date for the implementation of the Justice Agreement for 17 October. EULEX supported the Kosovo Judicial Council and the Kosovo Prosecutorial Council in complying with the obligations stemming from the Agreement. There was limited progress regarding the arrangements for the finalization of the freedom of movement agreement, with the implementation of the "sticker regime" — replacing the "proba" licence plate regime by two stickers covering the "RKS" and "SRB" acronyms and coats of arms on such licence plates — and the recognition of older civil status documents and driving licences.

3. Other key issues

NSTR

Annex II

Specialist Chambers and Specialist Prosecutor's Office

Since becoming judicially operational on 5 July following the adoption of the Rules of Procedure and Evidence of the Specialist Chambers, the Specialist Chambers further developed internal normative documents relevant to the performance of judicial functions.

On 21 July, the electronic court management system was installed. The system supports the efficient management of the court's activities and all Specialist Chambers' filings are included in this system. The renovations of the future premises of the Kosovo Specialist Chambers are also proceeding, and all project timelines are met.

On 25 August, the Rules of Procedure and Evidence of the Specialist Chambers, including the Rules of Procedure of the Specialist Chamber of the Constitutional Court, were published on the Specialist Chambers website in all three official languages of the Kosovo Specialist Chambers.

The Specialist Chambers continue to ensure a robust governance framework for the proper functioning of the Specialist Chambers, including through the issuance of instructions on the safeguarding of the confidentiality and integrity of data and elaborating on provisions regarding the procedure for review of administrative decisions. On 11 September, the President of the Specialist Chambers adopted the Rules of Procedure for Staff Appeals, regulating the appeal by staff members of administrative decisions of the Registrar, as well as of disciplinary decisions of the Registrar or the Specialist Prosecutor, and providing staff members with an internal procedure before a Staff Appeals Judge.

The Specialist Chambers continues to engage with the media and civil society and outreach activities continue to be conducted in both Kosovo and The Hague. On 15 and 16 September, a colloquium was held for the Specialist Chambers' judges in Nuremberg, hosted by the International Nuremberg Principles Academy, where the judges engaged in expert discussion on the latest developments in international criminal law and international humanitarian law.

The Specialist Prosecutor's Office, which is located in The Hague, is continuing its investigation into the allegations contained in the Council of Europe Parliamentary Assembly report of January 2011 on inhuman treatment of people and illicit trafficking in human organs in Kosovo. To this end, it is engaging with relevant States, individuals, victims and groups. Assistance from judicial and law enforcement authorities in Belgrade and Pristina, as well as in the European Union and the wider international community, is essential. The Special Prosecutor's Office requires the continued engagement and full support of the international community and individual states in all its activities. The Office is committed to fulfilling its mandate as efficiently and in as short a time as possible without compromising the quality or credibility of its work.

Annex III

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 15 October 2017)

Country	*Number*
Bulgaria	1
Estonia	1
Finland	1
Germany	1
Hungary	2
Russian Federation	1
Turkey	1
Total	**8**

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 15 October 2017)

Country	*Number*
Czechia	2
Poland	1
Republic of Moldova	1
Romania	1
Turkey	1
Ukraine	2
Total	**8**

UNMIK
October 2017
Operational boundary
International boundary
National capital
Republic capital or provincial capital
Town, village
Mountain pass
Major road
Secondary road
Railroad
0 5 10 15 20 25 km
0 5 10 15 mi
HQ Regional
MLT North
HQ UNMIK
HQ MLC
MLT
UNMIK HQ
Military Liaison Component HQ
Military Liaison Team
UNMIK perimeter of operations
SERBIA
MONTENEGRO
Kosovo
ALBANIA
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
Priština
Skopje
Kosovska Mitrovica
Peć
Prizren
Uroševac
Gnjilane
Kosovo Polje
Dečani
Đakovica
Orahovac
Suva Reka
Vučitrn
Obilić
Lipljan
Štrpce
Kačanik
Tetovo
Gostivar
Brodec
Kumanovo
Tabanovce
Blace
Kuršumlija
Prepolac
Leposavić
Zubin Potok
Zvečan
Leposavić
Lebane
Medveđa
Bujanovac
Preševo
Bosilegrad
Dimitrovgrad
Pirot
Babušnica
Surdulica
Vranje
Trgovište
Bujanovac
Ranilug
Klokot
Novo Brdo
Štimlje
Glogovac
Klina
Srbica
Istok
Klina
Peja
Đakovica
Gjakovë
Dragaš
Šar Planina
Mavrovo
Debar
Struga
Ohrid
Resen
Bitola
Prilep
Kavadarci
Negotino
Gevgelija
Valandovo
Strumica
Radoviš
Berovo
Delčevo
Kočani
Vinica
Štip
Kratovo
Kriva Palanka
Kumanovo
Lipkovo
Skopje
Aerodrom
Gazi Baba
Čair
Karpoš
Kisela Voda
Centar
Butel
Saraj
Gjorče Petrov
Ilinden
Aračinovo
Petrovec
Sopište
Studeničani
Makedonski Brod
Kičevo
Vraneštica
Oslomej
Vrapčište
Jegunovce
Tearce
Želino
Zelenikovo
Mavrovo i Rostuša
Debarca
Centar Župa
Kamenjane
Resetnica
Selce
Dolneni
Krivogaštani
Rosoman
Novaci
Krivogaštani
Kruševo
Makedonska Kamenica
Probištip
Zrnovci
Berovo
Pehčevo
Delčevo
Vinica
Kočani
Makedonski Brod
Gostivar
Vrapčište
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